

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 280 of 1997

to

FIRST APPEAL No 284 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SPL.LAND ACQUISITION OFFICER

Versus

PATEL BHOLABHAI SHANKERBHAI

Appearance:

Mr.M.R. Anand,GP, with
Mr.L.R. Pujari for Assistant GOVERNMENT PLEADER for Petitioner
MR AS MEHTA for Respondent No. 1
Mr. K.I. Patel for the respondent

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 29/01/97

ORAL JUDGEMENT

Admit. Learned advocate Mr. K.I. Patel waives service of notice of admission for the respondents in First Appeals Nos. 281 to 283 of 1997. Learned advocate Mr. Mehta waives service of notice of admission for the

respondents in First Appeals Nos. 280 and 284 of 1997. By the consent of the learned advocates for the parties, these appeals are taken up for hearing today and disposed of by this common judgment.

This group of First Appeals is directed against the common judgment and award dated January 17, 1994, passed by the learned 2nd Joint District Judge, Mehsana in Land Acquisition Reference Nos. 758, 759, 763 and 764 of 1988. The appellant is the Special Land Acquisition Officer who is aggrieved by the enhancement of compensation from Rs.1/- to Rs.10/- per sq.mtr and, hence, appeals to this court.

The learned 2nd Joint District Judge, by his common judgment and award dated January 17, 1994, has decided the Land Acquisition Reference Nos. 758, 759, 763 and 764 of 1988, along with Land Acquisition Reference No. 756 of 1988 and allied matters. The said common judgment and award dated January 17, 1994 rendered in Land Acquisition Reference No. 756 of 1988, and allied matters, was challenged by the Special Land Acquisition Officer in this court by way of First Appeals Nos. 7180 of 1995 and others. The said First Appeals, being First Appeal Nos. 7180 of 1995 and others, were partly allowed by this Court (Coram: S.D. Shah, J.) by judgment and order dated November 28, 1995. The lands concerning the land reference cases involved in the present appeals were also acquired by the said notification which was the subject matter of the First Appeals referred to hereinabove and disposed of by this Court. In First Appeals Nos. 7180 of 1995 and others, this Court fixed the market price of the acquired lands at Rs.9 per sq.mtr.

In view of the judgment and order dated November 28, 1995, rendered by this Court in First Appeals Nos. 7180 of 1995 and allied matters, the present group of appeals partially succeeds to the extent of reducing the amount of compensation from Rs.10/- per sq.mtr to Rs.9/ per sq.mtr and the amount of compensation shall be accordingly worked out on the aforesaid basis and shall be deposited by the appellant in the lower court on or before April 30, 1997. There shall be no order as to costs.

(swamy)